

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN PASSMORE,

Petitioner,

v.

RAYMOND SORBINA,

Respondent.

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CIVIL ACTION

NO. 08-5125

ORDER

AND NOW, this ____ day of November, 2009, upon careful and independent consideration of the Petition for Writ of Habeas Corpus filed by John Passmore (Doc. 1) (“Petition”); the Report and Recommendation of the Honorable Timothy R. Rice, United States Magistrate Judge (Doc. 26) (“Report and Recommendation”); Petitioner’s Objections thereto (Doc. 33) (“Objections”); Petitioner’s Motion for a Court Order Direct[ing] State Correctional Institution Albion to Produce Copy of Petition[er]’s Mental Health Record[s] (Doc. 34) (“Motion for a Court Order”); and Petitioner’s Verified Statement in Support of Motion for Production of Mental Records (Doc. 35) (“Verified Statement”), **IT IS HEREBY ORDERED and DECREED** that:

1. The Report and Recommendation is **APPROVED and ADOPTED**;
2. The Petition for a Writ of Habeas Corpus is **DENIED**;
3. Petitioner’s Motion for a Court Order and Verified Statement are **DISMISSED AS MOOT**; and
4. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:

/s/ **Petrese B. Tucker**

Hon. Petrese B. Tucker, U.S.D.J.